IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 67 OF 2004

MRS. ANITA MENDONCA ALIAS ANA A.TELES E MENDONCA & ....Appellants

Versus

THE MANAGER,DENA BANK,PANAJI GOA AND ANR., ...Respondents

Mr. A. Rebello, Advocate For The Appellants.
Mr. Mahesh M. Rau, Advocate For Respondent No.2.

Coram:- S.S. PARKAR, J.

Date:- 10th June, 2005

P.C.

This appeal is filed against the Order dated 27th July, 2004, passed by the Civil Judge, Senior Division, Panaji, dismissing the application for temporary injunction prohibiting the respondent no.2 from withdrawing the fixed deposit amount lying in the Dena Bank, Panaji, Goa, in the joint name of respondent no.2 and the deceased, i.e. the husband of appellant no.1 and father of appellant no.2. It is not in dispute that after the dismissal of the application for temporary injunction the respondent no.2 had withdrawn the amount of fixed deposit on 19th August, 2004, as stated by the counsel for respondent no.2. Respondent no.2 has also filed affidavit dated 9th May, 2005, in this Court, stating the same. Hence this Appeal does not survive.

Counsel for the appellants then requests that since respondent no.2 is aged about 87 years, the trial of the suit may be expedited. However, it is pointed out on behalf of respondent no.2 that the trial has already commenced and the affidavits have been filed by the appellants and the matter is fixed for cross-examination of the appellants on 5th July, 2005. Hence, no order is required to be passed for expediting the hearing of the

suit. The trial Court is expected to finish the trial expeditiously in view of the advanced age of the respondent no.2.

This Appeal From Order does not survive and, therefore, the same is rejected.

S.S. PARKAR, J.